



GEORGIA M. PESTANA

Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

W. Simone Nicholson
Special Assistant Corporation Counsel
Office: (212) 356-2394
Mobile: (646) 391-6899

September 28, 2021

VIA ECF

Hon. Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

*The conference is adjourned to
10/12/21 at 2⁰⁰ pm.
Denise Cote
9/28/21*

Re: *E.G. v. Dep't of Educ.* 21-cv-4964 (DLC)

Dear Judge Cote:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, Georgia M. Pestana, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, as well as for this action..

In the interest of conserving court resources, I write to request a three week adjournment of the initial conference scheduled for September 30, 2021 to give the parties an opportunity to begin settlement discussions. Plaintiff consents to this request. This is the first request for an adjournment of the initial conference.

We recently requested a stay, and an extension of time to answer on consent (which the Court denied, ECF 12) because Plaintiff's counsel had not yet produced the billing records at issue in this case. Subsequent to that application, on September 13, 2021, Plaintiff's counsel produced the records at issue. We will file an Answer to the complaint today as directed by the Court, and are now awaiting settlement authority from the New York City Comptroller. We expect to be able to make a settlement offer within ten days to two weeks from today. We note that our office has resolved dozens of similar actions for IDEA fees with the Roller firm in recent years, with only one going to motion practice. We fully expect this case to take the same course.

Accordingly, Defendant respectfully requests the Initial Conference be adjourned to October 21, 2021, or to a date thereafter convenient for the Court. The parties will of course submit a status letter immediately upon the anticipated settlement of this case

Thank you for considering this request.

Respectfully submitted,

Simone Nicholson

/s/

Special Assistant Corporation Counsel

cc: Irina Roller (via ECF)